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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,584

Applicant(s)

MOSSE ET AL.

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,14-18,20-28,30-34 and 36-40 is/are rejected.
- 7) ☒ Claim(s) 4,5,8-13 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 6/20/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because "PCT International Search Report dated 8/6/01 for PCT/GB01/0148" was listed in the "other prior art" section of the IDS. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. The Applicant should list each individual reference cited in the International Search Report in the U.S. Patent documents section or the Foreign Patent Documents section if the Applicant wishes to have the documents cited in the International Search Report considered by the Examiner. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The word "means" should be removed from the abstract.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

3. Claim 27 is objected to because of the following informalities:

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Regarding claim 27, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6-7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent 1,953,035.

In regard to claim 1, German Patent '035 discloses a gasket for a pipe joint between two pipe ends, the gasket comprising:

a sealing portion 2 for producing a seal between the two pipe ends and

a gripping portion 4 for gripping at least one of the pipe ends to hold the gasket in position,

wherein the sealing portion 4 and the gripping portion 4 are formed integrally.

In regard to claim 2, the gripping portion 4 is configured to self-center the gasket about a pipe bore.

In regard to claim 3, the gripping portion 4 comprises at least two resilient structures defining bearing surfaces for gripping a pipe end.

In regard to claim 6, the gripping portion 4 includes six arms spaced about the circumference of the gasket, each arm including a bearing surface for gripping a pipe end.

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In regard to claim 7, further comprising means (bending portion 4 over to grip flanges 6) for applying a pre-stress to the gripping portion so that the gripping portion applies a greater gripping force during use.

In regard to claim 14, locating means 4 comprising a plurality of protrusion spaced about the gasket for positioning the gasket relative to the pipe ends.

6. Claims 15-18, 20, 22-25 and 28 rejected under 35 U.S.C. 102(b) as being anticipated by Snider.

In regard to claim 15, Snider discloses a gasket Q for a pipe joint between two pipe ends, the pipe ends defining at least one annular recess (recess for 56) for receiving a portion of the gasket 56, wherein the gasket includes:

a sealing portion 58 for producing a seal between the two pipe ends and locating means 56, 57 for positioning the gasket relative to the pipe ends,

wherein the locating means comprises a plurality of protrusions 56, 57 spaced about the gasket for locating in the annular recess of a pipe end to position correctly the gasket relative to the pipe ends.

In regard to claim 16, the sealing portion 58 and the locating means 56 are formed integrally.

In regard to claim 17, the locating means 56 are configured to self-center the gasket about a pipe bore.

In regard to claim 18, the locating means 56 comprises at least three protrusions 56, 57, 60 defining bearing surfaces for seating in an annular recess in a pipe end.

In regard to claim 20, the protrusions 56, 57 are bumps.

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In regard to claim 22, the protrusions 56, 57 extend from both sides of the gasket.

In regard to claim 23, each protrusion 56 is substantially round in plan (see 56 in fig. 14).

In regard to claim 24, each protrusion 56, 57 is substantially the same.

In regard to claim 25, the gasket Q is manufactured from plastics material.

In regard to claim 28, the sealing portion comprises a bore surface 55 for alignment parallel with a pipe bore and adjacent raised surface 58 perpendicular to the bore for forming a seal between the pipe ends.

7. Claims 15-17, 20-25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher et al.

In regard to claim 15, Fisher et al. discloses a gasket 30 for a pipe joint between two pipe ends, the pipe ends defining at least one annular recess 34 for receiving a portion of the gasket, wherein the gasket includes:

a sealing portion 56 for producing a seal between the two pipe ends and locating means for positioning the gasket relative to the pipe ends,

wherein the locating means comprises a plurality of protrusions 54 spaced about the gasket for locating in the annular recess of a pipe end to position correctly the gasket relative to the pipe ends.

In regard to claim 16, the sealing portion and the locating means are formed integrally.

In regard to claim 17, the locating means are configured to self-center the gasket about a pipe bore.

In regard to claim 20, the protrusions 54 are bumps.

In regard to claim 21, the protrusions have flat tops (see fig. 1B).

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In regard to claim 22, the protrusions extend from both sides of the gasket.

In regard to claim 23, each protrusion is substantially round in plan.

In regard to claim 24, each protrusion is substantially the same.

In regard to claim 25, the gasket is manufactured from plastics material.

In regard to claim 28, the sealing portion comprises a bore surface for alignment parallel with a pipe bore and adjacent raised surface perpendicular to the bore for forming a seal between the pipe ends.

8. Claims 30-34 and 36-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Swan.

In regard to claim 30, Swan discloses a pipe joint comprising:

Two pipe ends defined by ferrules,

A clamp 11 acting on the ferrules to close the joint

And a gasket 14 comprising:

A sealing portion 14 for producing a seal between the two pipe ends and a gripping portion for gripping at least one of the pipe ends to hold the gasket in position, wherein the sealing portion and the gripping portion are formed integrally.

In regard to claim 31, each ferrule includes an annular recess for receiving protrusions 13 of the locating means.

In regard to claim 32, the gasket includes a metal stop 16 against which the ferrules bear to prevent overtightening of the clamp.

In regard to claim 33, the ferrules contact the sealing portion of the gasket before the stop, during clamping, thereby resulting in a sealing pressure being applied to the gasket.

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In regard to claim 34, resiliency of the ferrules is utilized to apply a continual pressure between the ferrules and the sealing portion of the gasket following clamping.

In regard to claim 36, Swan discloses a pipe joint comprising:

Two pipe ends 5 defined by ferrules 9,

A clamp 11 acting on the ferrules to close the joint

And a gasket comprising:

A sealing portion 14 for producing a seal between the two pipe ends and locating means for positioning the gasket relative to the pipe ends,

wherein the locating means comprise a plurality of protrusions 13 spaced about the gasket for locating in the annular recess of a pipe end to position correctly the gasket relative to the pipe ends.

In regard to claim 37, each ferrule includes an annular recess 8 for receiving protrusions 13 of the locating means.

In regard to claim 38, the gasket includes a metal stop 16 against which the ferrules bear to prevent overtightening of the clamp.

In regard to claim 39, the ferrules contact the sealing portion of the gasket before the stop, during, clamping, thereby resulting in a sealing pressure being applied to the gasket.

In regard to claim 40, resiliency of the ferrule is utilized to apply a continual pressure between the ferrules and the sealing portion of the gasket following clamping.

9. Claims 36-37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Snider.

In regard to claim 36, Snider discloses a pipe joint comprising:

Two pipe ends defined by ferrules S, R,

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A clamp T acting on the ferrules to close the joint

And a gasket Q comprising:

A sealing portion 58 for producing a seal between the two pipe ends and locating means 56, 57 for positioning the gasket relative to the pipe ends,

wherein the locating means comprise a plurality of protrusions spaced about the gasket for locating in the annular recess of a pipe end to position correctly the gasket relative to the pipe ends.

In regard to claim 37, each ferrule includes an annular recess for receiving protrusions of the locating means.

In regard to claim 40, resiliency of the ferrule is utilized to apply a continual pressure between the ferrules and the sealing portion of the gasket following clamping.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snider.

Snider discloses a gasket as described above, but does not specifically disclose that the gasket is made from PEEK. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the gasket out of PEEK because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

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Allowable Subject Matter

12. Claims 4-5, 8-13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuzawa et al., Babuder et al., Hashimoto et al., Tschann, Brett, Werra, Papenguth and Kessler all disclose similar couplings common in the art.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



David Bochna
Primary Examiner
Art Unit 3679
May 10, 2004